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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;  
ORACLE AMERICA, INC., a Delaware  
corporation; and ORACLE INTERNATIONAL  
CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;  
SETH RAVIN, an individual,

Defendants.

Case No 2:10-cv-0106-LRH-PAL

**PLAINTIFFS ORACLE USA, INC.,  
ORACLE AMERICA, INC., AND  
ORACLE INTERNATIONAL  
CORPORATION'S MOTION TO  
SEAL REPLY IN SUPPORT OF  
MOTION FOR PRESERVATION  
ORDER**

**PLAINTIFFS' MOTION TO SEAL**

Pursuant to the Stipulated Protective Order governing confidentiality of documents entered by the Court on May 21, 2010 [Docket No. 55] ("Protective Order") and Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, Plaintiffs Oracle USA, Inc., Oracle America, Inc. and Oracle International Corporation (together "Oracle" or "Plaintiffs") respectfully request that the Court order the Clerk of the Court to file under seal its Reply in Support of Motion for Preservation Order [Docket # 100] ("Reply"). An unredacted version of the Reply was lodged under seal with the Court on September 3, 2010 [Docket # 100]. A redacted version of the Reply was also publicly filed on the Court's ECF website on September 3, 2010 [Docket # 99].

As explained in Oracle's previous Motion to Seal [Docket # 87], granted by the Court on August 30, the presumption of public access to court filings may be overcome for non-dispositive motions by a showing of good cause under Rule 26(c). *See Pintos v. Pacific Creditors Ass'n*, 605 F.3d 665, 678 (9th Cir. 2010); *Kamakana v. Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006). The Court has "broad latitude" under Rule 26(c) "to prevent disclosure of materials for many types of information, including, but not limited to, trade secrets or other confidential research, development, or commercial information." *Phillips v. Gen. Motors Corp.*, 307 F.3d 1206, 1211 (9th Cir. 2002) (citations omitted).

Specifically, Oracle requests that the unredacted version of the Reply lodged with the Court be sealed because it contains references to:

- (1) the transcript of the Deposition of Joseph Dones regarding Rimini's information technology infrastructure;
- (2) documents produced by Rimini Street regarding its technology infrastructure and policies; and
- (2) instant messages produced by SAP AG, SAP America, Inc. and TomorrowNow, Inc.

The transcript, the documents produced by Defendant Rimini Street, Inc. ("Rimini") and the instant messages were filed with Oracle's moving papers as Exhibits B, G, and V-DD to the Declaration of Kieran Ringgenberg, were identified in Oracle's previous Motion to Seal, and

were ordered sealed by the Court on August 30. The Reply also contains references to the May 26, 2010 estimate for forensic imaging of Rimini custodians from Epiq eDiscovery Solutions, Inc., which was filed with Defendants' Opposition as Exhibit G to the Declaration of Robert H. Reckers, and which Defendants moved to seal on August 31, 2010.

Sealing the Reply is requested because the references to the transcript, the documents produced by Rimini, the instant messages, and the estimate include information designated by Defendants Rimini and Seth Ravin ("Ravin") and third parties, SAP AG, SAP America, Inc. and TomorrowNow, Inc., as "Confidential" or "Highly Confidential — Attorneys Eyes' Only" under the terms of the Protective Order. The requested relief is necessary and narrowly tailored to protect the confidentiality of the commercially sensitive business information identified by the designating parties. The Protective Order provides that "Counsel for any Designating Party may designate any Discovery Material as 'Confidential Information' or 'Highly Confidential Information - Attorneys' Eyes Only' under the terms of this Protective Order **only if such counsel in good faith believes that such Discovery Material contains such information and is subject to protection under Federal Rule of Civil Procedure 26(c).** The designation by any Designating Party of any Discovery Material as 'Confidential Information' or 'Highly Confidential Information – Attorneys' Eyes Only' shall constitute a representation that an attorney for the Designating Party reasonably believes there is a valid basis for such designation." Protective Order ¶ 2 (emphasis added).

Thus, in identifying the Exhibits referenced in the Reply as "Confidential" or "Highly Confidential – Attorneys Eyes Only," the designating parties have represented that good cause exists for sealing the Reply. This is a sufficient showing of good cause to permit a sealing order on a non-dispositive motion. *See, e.g., Pacific Gas and Elec. Co. v. Lynch*, 216 F. Supp. 2d 1016, 1027 (N.D. Cal. 2002).

Oracle has prepared a redacted version of the Reply for the Court's public files, which would allow public access to the Reply, except for those portions containing information designated as Confidential or "Highly Confidential – Attorneys Eyes Only" by other parties under the Protective Order. Accordingly, the request to seal is narrowly tailored.

1 For the foregoing reasons, Oracle respectfully requests that the Court find that good cause  
2 exists to file the Reply under seal.

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4 DATED: September 3, 2010

BOIES SCHILLER & FLEXNER LLP

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6 By: /s/ Kieran P. Ringgenberg  
7 Kieran P. Ringgenberg  
8 Attorneys for Plaintiffs  
9 Oracle USA, Inc., Oracle America, Inc.,  
and Oracle International Corp.  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 3rd day of September, 2010, I electronically transmitted the foregoing **PLAINTIFFS ORACLE USA, INC., ORACLE AMERICA, INC., AND ORACLE INTERNATIONAL CORPORATION'S MOTION TO SEAL REPLY IN SUPPORT OF MOTION FOR PRESERVATION ORDER** to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all counsel in this matter; all counsel being registered to receive Electronic Filing.

/s/ Catherine Duong

An employee of Boies, Schiller & Flexner LLP